

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**Criminal No.: 1:05CR04**

**DANIEL TESTERMAN,**

**Defendant.**

**MOTION TO RETURN UNITED STATES' EXHIBITS**

Now comes the United States of America and Sharon L. Potter, United States Attorney for the Northern District of West Virginia, by Sherry L. Muncy, Assistant United States Attorney, and moves the Court for the return of all the evidence admitted by the government, which are in the care, custody and control of the United States District Clerk. The government moves this Court to release the evidence to Special Agent Kenneth LaVictoire, of the Federal Bureau of Investigations upon his appearance for such purpose at the United States District Clerk's Office.

The appeal in this case was completed on February 21, 2008, and the evidence released to Special Agent LaVictoire will be destroyed according to law.

Respectfully submitted,  
SHARON L. POTTER  
UNITED STATES ATTORNEY

By: /s/ Sherry L. Muncy  
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CERTIFICATE OF SERVICE

I, Zelda E. Wesley, Assistant United States Attorney for the Northern District of West Virginia, hereby certify that on April 23, 2009, I electronically filed the foregoing **MOTION TO RETURN UNITED STATES' EXHIBITS**, with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Dean M. Boland  
George J. Cosenza

and I hereby certify that I have mailed, by United States Postal Service, the document to the following non-CM/ECF participants:

NONE.

/s/ Sherry L. Muncy  
Sherry L. Muncy  
Assistant United States Attorney